

**IN THE CLAIMS:**

This listing of claims replaces all prior versions and listings of claims in the application:

1-90. (canceled)

91. (currently amended) An apparatus for treating at least one of sleep apnea and snoring in a human or animal having an oropharyngeal region with lateral and posterior walls, the apparatus comprising:

an appliance comprising at least one element having a length extending from a first end to a second end, the appliance comprising a relatively narrow, generally central body portion and terminating at relatively wide end portions adjacent the first and second ends ~~the at least one element being substantially bow-shaped with the appliance at rest, the appliance being sized and structured to be placed in or radially outwardly from the lateral and posterior walls of an oropharyngeal region of a human or animal with the central body portion length of the at least one element extending generally laterally across the posterior wall and the end portions providing support to the lateral walls of the oropharyngeal region and, when so placed, being effective in treating at least one of sleep apnea and snoring.~~

92. (currently amended) The apparatus of claim 91, wherein the at least one element ~~which includes at least two of the elements coupled together at the respective first and second ends and spaced apart from each other.~~

93. (currently amended) The apparatus of claim 92 wherein at least one of the at least two elements includes an outwardly extending region between the first and second ends substantially further spaced apart from the other ~~of the at least two elements~~elongated element ~~than any other region of the at least one elongated element~~, thereby at least partially defining the relatively wide end portions.

94. (canceled)

95. (previously presented) The apparatus of claim 92 wherein the at least two elements are spaced apart from each other by a varying distance between the first and second ends.

96. (currently amended) The apparatus of claim 92 wherein each of the at least two elements includes an outwardly extending region between the first and second ends substantially further spaced apart from each other, thereby at least partially defining the relatively wide end portions.

97. (canceled)

98. (previously presented) The apparatus of claim 91 wherein the appliance has a lateral dimension defined by the distance between the first and second ends and a maximum longitudinal dimension perpendicular to the lateral dimension which is less than the lateral dimension.

99. (previously presented) The apparatus of claim 91 wherein the at least one element comprises a resilient wire.

100. (currently amended) The apparatus of claim 91 wherein the appliance has a constrained configuration adapted for delivery into an oropharyngeal region, and an open configuration adapted for applying a radial force to the lateral walls when the appliance is so placed in the [[an]] oropharyngeal region.

101. (previously presented) The apparatus of claim 91 wherein the appliance is made of a biocompatible metal.

102. (previously presented) The apparatus of claim 91 wherein the appliance is made of an elastic spring memory material.

103. (previously presented) The apparatus of claim 91 wherein the appliance is made of nitinol.

104. (currently amended) A method for treating at least one of sleep apnea and snoring in a human or an animal having an oropharyngeal region with lateral and posterior walls, the method comprising:

providing an appliance ~~in or radially outwardly from the lateral and posterior walls of the oropharyngeal region of the human or animal, the appliance~~ comprising at least one element having a length extending from a first end to a second end, ~~the at least one element being substantially bow shaped with the appliance at rest, the appliance comprising a central body portion between end portions adjacent the first and second ends;~~

inserting the appliance into an oropharyngeal region in a constrained configuration; and  
releasing the appliance within the oropharyngeal region, thereby allowing the appliance to expand radially within the oropharyngeal region ~~being provided~~ so that the central body portion ~~length of the at least one element~~ extends generally laterally across the posterior wall and the end portions support the lateral walls of the oropharyngeal region.

105. (currently amended) The method of claim 104 wherein the appliance includes at least two of ~~[[the]]~~ elements coupled together at ~~the respective~~ first and second ends and spaced apart from each other.

106. (currently amended) The method of claim 105 wherein at least one of the at least two elements includes a region between the first and second ends substantially further spaced apart from the other of ~~the at least two~~ elements ~~than any other region of the at least one element,~~ thereby at least partially defining the relatively wide end portions.

107. (currently amended) The method of claim 104 wherein the inserting ~~providing~~ step includes placing the appliance in or beneath the mucosal layer of the lateral and posterior walls of the oropharyngeal region.

108. (currently amended) The method of claim 104 wherein the inserting ~~providing~~ step includes placing the appliance completely across the posterior wall of the oropharyngeal region.

109. (currently amended) The method of claim 104 wherein the inserting ~~providing~~ step includes providing the appliance in a deformed first configuration, inserting the appliance into the oropharyngeal region and allowing the appliance to reconfigure to a deployed second configuration within the oropharyngeal region.

110. (previously presented) The method of claim 104 wherein the appliance is made of nitinol.

111. (new) An apparatus for treating at least one of sleep apnea and snoring in a human or animal having an oropharyngeal region with lateral and posterior walls, comprising  
an appliance comprising two elongated elements coupled together at first and second ends, the elongated elements shaped to define a relatively narrow central body portion and relatively wide end portions adjacent the first and second ends, the appliance adapted to be placed circumferentially around an oropharyngeal region of a human or animal such that the central body

portion extends generally laterally across the posterior wall and the relatively wide end portions support the lateral walls of the oropharyngeal region.

112. (new) The apparatus of claim 111, wherein each of the end portions comprises paired leg portions defining an angle therebetween.

113. (new) The apparatus of claim 111, wherein the appliance comprises a single loop element.

114. (new) The apparatus of claim 111 wherein the elongated elements comprise a resilient wire.

115. (new) The apparatus of claim 111, wherein the appliance has flat or pre-curved shape in a relaxed configuration, the ends being folded, rolled, or pinched to a constrained configuration for delivery into an oropharyngeal region, the ends resiliently returning towards the relaxed configuration when released from the constrained configuration for applying a radial force against the lateral walls of the oropharyngeal region.

116. (new) An apparatus for treating at least one of sleep apnea and snoring in a human or animal having an oropharyngeal region with lateral and posterior walls, comprising  
an appliance comprising at least one elongated element including first and second ends and shaped to define a relatively narrow central body portion and relatively wide end portions adjacent

the first and second ends, the appliance adapted to be placed circumferentially around an oropharyngeal region of a human or animal such that the central body portion extends generally laterally across the posterior wall and the relatively wide end portions support the lateral walls of the oropharyngeal region.

117. (new) The apparatus of claim 116, wherein the appliance is made of metal.

118. (new) The apparatus of claim 116, wherein the appliance has substantially smooth edges and surfaces to substantially reduce or eliminate fibrosis of other scar tissue formation.

119. (new) A method for treating at least one of sleep apnea and snoring in a human or an animal having an oropharyngeal region with lateral and posterior walls using an appliance comprising at least one element having a length extending from a first end to a second end and comprising a relatively narrow, generally central body portion and relatively wide end portions adjacent the first and second ends, the method comprising:

inserting the appliance into an oropharyngeal region;

releasing the appliance within the oropharyngeal region, thereby allowing the appliance to resiliently expand radially within the oropharyngeal region so that the central body portion extends generally laterally across the posterior wall and the end portions support the lateral walls of the oropharyngeal region.

120. (new) The method of claim 119, wherein the appliance has flat or pre-curved shape in a relaxed configuration, wherein the appliance is inserted into the oropharyngeal region with the ends in a constrained configuration, and wherein the ends resiliently return towards the relaxed configuration when released within the oropharyngeal region to apply a radial force against the lateral walls of the oropharyngeal region.

121. (new) The method of claim 120, wherein the ends are rolled, folded, or pinched in the constrained configuration.

122. (new) The method of claim 119, wherein the appliance is structured to substantially reduce or eliminate fibrosis of other scar tissue formation when released within the oropharyngeal region.

123. (new) The method of claim 122, wherein the appliance is made of metal.

124. (new) The method of claim 122, wherein the appliance has substantially smooth edges and surfaces.